



# **SHEBOYGAN COUNTY SHERIFF**

## **OFFICE OF THE SHERIFF SHEBOYGAN COUNTY**

**MICHAEL HELMKE**  
*Sheriff*

**Glenn E. Berg**  
*Inspector*

Dear Representative LeMahieu and Joint Review Committee on Criminal Penalties,

Thank you for taking the time today to consider the legislative bill being proposed by Representative LeMahieu to change current state law as it concerns Receiving Stolen Property in the form of a firearm. Currently this particular crime is a Class A misdemeanor, unless the value of the property exceeds \$2,500.00 when it becomes a felony even if the stolen property is a firearm. Under current state law the mere Theft of a Firearm is a felony no matter what the value of the firearm is. I believe the legislative intent concerning the Theft of a Firearm recognized that a firearm is no ordinary piece of property and a firearm in the hands of a criminal that would steal a firearm poses a threat to the general public and law abiding citizens. It stands to reason that a criminal who knowingly receives and possesses a stolen firearm poses the same threat to the general public and law abiding citizens.

The reason I asked Representative LeMahieu to consider proposing a bill to change the current law included the aforementioned opinion and my own personal experience and concerns I have had investigating burglaries and thefts involving firearms and in what hands these stolen firearms would end up in. These concerns were also shared by many of the burglary and theft victims I would encounter over the years.

At the time I brought my concerns to Representative LeMahieu, I and several of my colleagues had just completed an investigation involving the burglary and theft of 5 handguns, 1 rifle and 1 shotgun. Several suspects were identified and charged in the incident and all of the firearms were ultimately recovered. However, during the course of the investigation we only had information that could prove that a number of the suspects could only be charged with Receiving and Possessing Stolen Firearms as a misdemeanor and we were having some difficulty recovering these stolen firearms due to lack of cooperation. It was not until later in the investigation that we received information that these suspects were actually involved as parties to the burglary and theft and they were charged accordingly. The missing firearms were recovered shortly thereafter.

Law abiding citizens who acquire firearms legitimately and in good faith have no concern if this bill is passed into law. The bill does not change the elements of the offense of Receiving Stolen Property as defined in State Statute 943.34, but merely creates a greater penalty if the stolen property is a firearm.



The burden of proof placed upon the state to prove a defendant "knowingly" received or possessed a stolen firearm will remain the same. That burden of proof as outlined in the Wisconsin Jury Instructions for this offense included 3 elements that must be satisfied to convict a defendant of this offense. They are:

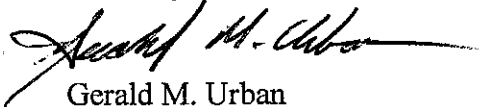
- 1.) The defendant intentionally received the property.
- 2.) The property was stolen.
- 3.) When the property was received, the defendant knew that it was stolen property.

That same burden of proof rests with law enforcement officers when investigating this offense and must be met before a case is presented to their district attorney.

There has been an increase of firearm related offenses throughout the State of Wisconsin over the last several years and I believe this bill addresses a hole in current law that needs to be filled in order to help deal with this problem. The bill creates a greater penalty for criminals who knowingly possess a stolen firearm and can provide a deterrent for people who may consider knowingly acquiring a stolen firearm.

It is my sincere hope that this committee takes this bill under serious consideration and presents the bill to the entire Wisconsin legislature for passage into law.

Sincerely,

A handwritten signature in dark ink, appearing to read "Gerald M. Urban", with a stylized flourish at the end.

Gerald M. Urban  
Detective





OFFICE OF THE SHERIFF  
SHEBOYGAN COUNTY

MICHAEL HELMKE  
*Sheriff*

Glenn E. Berg  
*Inspector*

October 15, 2007

Dear Representative LeMahieu and Hearing Wisconsin Legislators,

Thank you for your consideration of this Bill before you that would address a shortcoming in the current state law. As you know a person who steals a firearm is guilty of a Class H felony, but a person who knowingly receives a stolen firearm is only guilty of a misdemeanor unless the value of the weapon exceeds a certain dollar amount. This Bill would make it a felony for anyone to knowingly receive a stolen firearm.

We have experienced an increase in property crimes and burglaries in Sheboygan County and firearms are a targeted item of the thieves. Unfortunately, these firearms are then used in further crimes many of which are crimes against persons such as robberies and drive by shootings. These stolen firearms are also in high demand for drug dealers, gang members and other convicted felons who can not legally purchase a gun.

It would only make sense that a person who knowingly receives a stolen firearm is held to the same penalties under the law that the person who stole it is. As Sheriff, I ask your support in making the amendments proposed in this Bill.

Thank you in advance for your attention to this public safety issue. If I can be of further assistance to any of you please let me know.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael W. Helmke", written in a cursive style.

Michael W. Helmke  
Sheriff

1911

1912

1913

1914

1915

1916

1917

1918

1919

1920

1921

1922

1923

1924

1925

1926

1927

1928

1929

1930

1931

1932

1933

1934

1935

1936

1937

1938

1939

1940

1941

1942

1943

1944

1945

1946

1947

1948

1949

1950

1951

1952

1953

1954

1955

1956

1957

1958

1959

1960

## ***THE WISCONSIN PROFESSIONAL POLICE ASSOCIATION***

---

October 16, 2007

The Honorable Joel Kleefisch, Chair  
Assembly Committee on Criminal Justice  
Room 8 West  
State Capitol  
P.O. Box 8952  
Madison, WI 53708-8952

RE: Statement to be Distributed to Committee Members for the October 16, 2007  
Hearing on 2007 Assembly Bill 411

Mr. Chairman and Distinguished Members of the Committee:

As Wisconsin's largest law enforcement group, the WPPA genuinely appreciates this opportunity to offer our enthusiastic SUPPORT of Assembly Bill 411, relating to receiving a stolen firearm, and providing a penalty. This brief statement will summarize the WPPA's perspective of AB 411, and why this committee should swiftly act on this measure.

It should not come as a surprise to anyone that firearms are commonly used to carry out crime in the nation and in this state, and that many of those firearms are stolen. According to the most recent crime and arrest data from the Wisconsin Office of Justice Assistance, firearms are used in nearly 70 percent of murders, 50 percent of robberies, and 19 percent of aggravated assaults. In the largest survey of prison inmates sponsored by the federal government, the U.S. Justice Department's Bureau of Justice Statistics conducted a survey in 1997 that revealed that nearly 40 percent of inmates serving time said they obtained their guns on the street or from some other illegal source.

The publicly available data does not make a distinction for firearms used in criminal activities based upon their value, and neither should the law regarding receiving stolen goods. Put another way, a \$50 firearm can be used to commit a crime in the same way a \$500 firearm can. The law of stolen property should not make a distinction in this regard.

In its imposition of a clear-cut penalty for receiving a stolen firearm, regardless of its value, AB 411 recognizes the relationship between crime and stolen firearms. AB 411 is



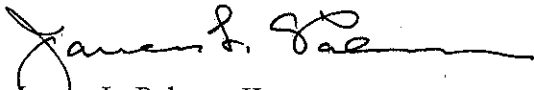


a sound piece of public policy, and the WPPA respectfully urges this committee to approve this legislation.

On behalf of the nearly 11,000 WPPA members who help make Wisconsin a safe place to live, work, and raise a family, I thank you for your time and your consideration.

Respectfully,

THE WISCONSIN PROFESSIONAL POLICE ASSOCIATION

A handwritten signature in black ink, appearing to read "James L. Palmer, II", with a long horizontal flourish extending to the right.

James L. Palmer, II  
Assistant Executive Director &  
Director of Governmental Affairs



**943.20 Theft.**

(3) PENALTIES. Whoever violates sub. (1):

(a) If the value of the property does not exceed \$2,500, is guilty of a Class A misdemeanor.

(bf) If the value of the property exceeds \$2,500 but does not exceed \$5,000, is guilty of a Class I felony.

(bm) If the value of the property exceeds \$5,000 but does not exceed \$10,000, is guilty of a Class H felony.

(c) If the value of the property exceeds \$10,000, is guilty of a Class G felony.

(d) If any of the following circumstances exists, is guilty of a Class H felony:

1. The property is a domestic animal.

3. The property is taken from a building which has been destroyed or left unoccupied because of physical disaster, riot, bombing or the proximity of battle.

4. The property is taken after physical disaster, riot, bombing or the proximity of battle has necessitated its removal from a building.

5. The property is a firearm.

6. The property is taken from a patient or resident of a facility or program under s. 940.295 (2) or from an individual at risk.

(e) If the property is taken from the person of another or from a corpse, is guilty of a Class G felony.

**943.34 Receiving stolen property. (1)** Except as provided under s. 948.62, whoever intentionally receives or conceals stolen property is guilty of:

(a) A Class A misdemeanor, if the value of the property does not exceed \$2,500.

(bf) A Class I felony, if the value of the property exceeds \$2,500 but does not exceed \$5,000.

(bm) A Class H felony, if the value of the property exceeds \$5,000 but does not exceed \$10,000.

(c) A Class G felony, if the value of the property exceeds \$10,000.

(2) In any action or proceeding for a violation of sub. (1), a party may use duly identified and authenticated photographs of property which was the subject of the violation in lieu of producing the property.

**History:** 1977 c. 173; 1987 a. 266, 332; 1991 a. 39; 2001 a. 16, 109.

The fact that sequentially received stolen property was purchased for a lump sum is an insufficient basis to aggregate the value of the property; the crime of receiving stolen property does not require payment. *State v. Spraggin*, 71 Wis. 2d 604, 239 N.W.2d 297 (1976).

**948.62 Receiving stolen property from a child.**

(1) Whoever intentionally receives stolen property from a child or conceals stolen property received from a child is guilty of:

(a) A Class A misdemeanor, if the value of the property does not exceed \$500.

(b) A Class I felony, if the value of the property exceeds \$500 but does not exceed \$2,500.

(bm) A Class H felony, if the value of the property exceeds \$2,500 but does not exceed \$5,000.

(c) A Class G felony, if the value of the property exceeds \$5,000.

(2) Under this section, proof of all of the following is prima facie evidence that property received from a child was stolen and that the person receiving the property knew it was stolen:

(a) That the value of the property received from the child exceeds \$500.

(b) That there was no consent by a person responsible for the child's welfare to the delivery of the property to the person.

**History:** 1987 a. 332; 2001 a. 109.